

MARGARET GIVANS,)
)
Plaintiff,)
)
v.) No. 4:07CV00813 ERW
)
MISSOURI DEPARTMENT OF)
MENTAL HEALTH-)
BELLEFONTAINE, et al.,)
)
Defendant.)

This matter is before the Court for review of this case under 28 U.S.C. § 1915(e). Plaintiff is pro se and proceeding in forma pauperis. Under 28 U.S.C. § 1915(e)(2)(B), the Court may dismiss any portion of the case that is frivolous or malicious, or fails to state a claim upon which relief can be granted. Upon review, the Court finds that the complaint fails to state a claim against defendant Simone Shelton because Shelton is not named in the caption of the complaint and because there are no allegations in the complaint relating to Shelton.¹ As a result, the Court will dismiss the complaint as to defendant Simone Shelton without prejudice.

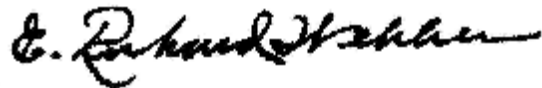
¹Although Shelton is not named in the complaint, she is named as a defendant on the Court's Civil Cover Sheet.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's claims against Simone Shelton are **DISMISSED** without prejudice.

IT IS FURTHER ORDERED that the Clerk shall not issue process as to Simone Shelton because Shelton is dismissed as party defendant.

So Ordered this 22nd Day of May, 2007.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written in a cursive style.

E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE